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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**

6 * * *

7 MARK D. HENNINGS,)

8 Plaintiff(s),)

9 vs.)

10 BANK OF AMERICA HOME LOANS,)

11 Defendant(s).)
12 _____)

Case No. 2:10-cv-1964-RLH-RJJ

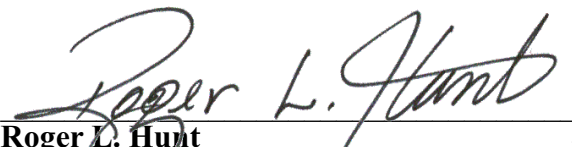
ORDER
(Motion to Dismiss—#5)

13 Before the Court is Defendant's Motion to Dismiss (#5, filed November 17, 2010).
14 Defendant filed a Notice of No Opposition to Motion to Dismiss (#11, filed December 10, 2010) by
15 Plaintiff.

16 Local Rule 7-2(d) provides that failure to file points and authorities in opposition to a
17 motion constitutes a consent that the motion be granted. *Abbott v. United Venture Capital, Inc.* 718
18 F.Supp. 828, 831 (D. Nev. 1989). It has been said these local rules, no less than the federal rules or
19 acts of Congress, have the force of law. *United States v. Hvass*, 355 U.S. 570, 574-575 (1958); *Weil*
20 *v. Neary*, 278 U.S. 160, 169 (1929); *Marshall v. Gates*, 44 F.3d 722, 723 (9th Cir. 1995). The
21 United States Supreme Court itself has upheld the dismissal of a matter for failure to respond under
22 the local court rules. *Black Unity League of Kentucky v. Miller*, 394 U.S. 100, 89 S. Ct. 766 (1969).

23 IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (#5) is granted.

24 Dated: January 4, 2011.

25 
26 **Roger L. Hunt**
Chief United States District Judge